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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/688,698 10/17/00 NATHAN

G 871-95

QM12/0727

EXAMINER

NIXON & VANDERHYE P.C.  
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JONES, S

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

07/27/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/688,698	Applicant(s) NATHAN ET AL.
	Examiner Scott E. Jones	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_ .
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 7</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Drawings*

1. The drawings are objected to because reference numerals point to empty boxes and symbols in the drawings. Applicant should insert words describing each of these items within the symbols. Correction is required.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

4. Claims 1-11 are objected to as failing to comply with 37 CFR § 1.75 because they do not follow standard U.S. practice. For example, in Claim 1, the transitional phrase comprising is not set off with a colon as is standard in U.S. practice. Correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, in line 2, the use of the word "...characterized..." renders the Claim indefinite. Applicant could rewrite the preamble of the Claim to overcome this rejection as follows, "Entertainment system based on multiple choice competition games comprising."

Claims 2-3 inherit the deficiency of Claim 1 by dependency.

Regarding Claim 4, in line 2, the use of the word "...characterized..." renders the Claim indefinite. Applicant could rewrite the preamble of the Claim to overcome this rejection as follows, "Entertainment process based on multiple choice competition games comprising:"

Claims 5-11 inherit the deficiency of Claim 4 by dependency.

Regarding Claim 10, in line 4, the language "...and/or..." renders the claim indefinite. It is not clear whether the question, the multiple choice answers, or both are modified.

Claim 11 inherits the deficiency of Claim 10 by dependency.

7. Claim 2 recites the limitation "the score" in line 8. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 4 recites the limitation "the interaction means" in line 7. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 4 recites the limitation "the terminal user" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 5 recites the limitation "the score" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 7 recites the limitation "the server" in line 4. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 8 recites the limitation "the choice" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 8 recites the limitation "the database" in line 4. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 9 recites the limitation "the questionnaire" in line 4. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 9 recites the limitation "the identification" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 9 recites the limitation "the number" in line 5. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 9 recites the limitation "the server" in line 7. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 9 recites the limitation "the various entitled parties" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

Scott E. Jones  
Examiner  
Art Unit 3713

SET  
sej  
July 24, 2001

*MICHAEL O'NEILL*

**MICHAEL O'NEILL  
PRIMARY EXAMINER**